

City of Milloughby Hills

Interoffice Memo

Date: February 12, 2018

To: Council President Fellows, Council Members and Council Clerk

From: Robert M. Weger, Mayor/Safety Director

Subject: Veto on Ordinance 2018-8 Communications

While I agree that certain sections of Ordinance 2018-8 (originally adopted in 2006 by way of Ordinance 2006-58) require changes to reflect our current website address, I do not believe this ordinance should be adopted in its current form. It is poorly written and the nature of certain provisions negatively impact the safety, health and welfare of our residents.

I hereby veto Ordinance 2018-8 which was approved by Council on February 8, 2018, for the following reasons:

- Section 1(b) provides for City email addresses of “all City employees”, which would increase our current email address quantity by approximately 120 email addresses. This would include all Police, Fire, Dispatch, Service Department workers, and Community Center monitors. This would result in an increased maintenance fee of approximately \$12,600 per year. Council has proposed a reduction in Administration’s budget, yet this would increase that budget number by nearly \$13,000.
- Section 167.03 Mass Mailings, Newsletters and Other Mass Communications to City Residents from the City: This Section usurps Charter power provided to the Mayor in Sections 2.24 and 2.25 of the City Charter which directs the Mayor to prepare a Budget Message. This acts as the Mayor’s annual correspondence with the residents, who will have a chance to review the City’s financial plan. With many residents not subscribing to cable and the ability to view meetings, nor being physically able to come to late meetings, this is the communication that our residents expect, deserve and appreciate. It is shameful to deprive them of this. Historically, this has been past practice since the Schaefer, Zur, O’Ryan, Lorenz, and my Administration. This is another attempt at Council trying to hijack the powers of Administration, which is a violation of separation of powers.
- Section 167.03(a) “For the purpose of section, a “Mass Communication” is a mailing of a message, the emailing of a message, or other form of communication to two or more residents regarding matters of general interest...” This section is poorly written and ridiculously legislates emails between me (a resident) and other Council (resident members), me (a resident) and certain Directors (resident members), Council to Council,

Recreation emails seeking resident volunteer assistance, Department Directors (who may be residents), and their subordinates (who may be residents), etc. Again, no forethought went into this provision and this, in and of itself, would sustain my veto.

- Section 167.03(a)(3) – “The newsletter shall not convey information regarding candidates who are running for office.” The word “convey” in this statement is vague and inappropriate. Webster’s Dictionary defines the word “convey” as “To impart or communicate by statement, suggestion, gesture, or appearance.” This may suggest that the name of a person in and of itself could be “a suggestion” or “appearance.” One would then conclude that the name of someone running for office would not be able to be included in the mass communication. This is an inappropriate and unreasonable request and should not be included in any ordinance.
- Section 167.03(b) – “Such newsletter shall not be published until it is approved, by motion made and adopted by a majority of the members of Council.” This usurps the powers of the Office of the Mayor, as directed by City Charter. It also provides for Council to perform “administrative” rather than “legislative” functions, which is a violation of Ohio Revised Code 731.05 Powers of Legislative.
- Section 167.03(c) – “No Mass Communication is to be made by the City to its residents without the prior approval of a majority of the members of Council.” This creates an issue with the health, safety and welfare of our residents.
 - 1) In the event of emergency notification of road closure, unsafe situations in the City, or any other applicable emergency situation, this provision provides that Council controls the communication. This is unreasonable and unsafe and certainly nothing I would condone. As written, this would prevent the Police Department from issuing emergency statements, hampering our safety forces!
 - 2) Again, it provides for Council to perform “administrative” rather than “legislative” functions, which is a violation of Ohio Revised Code 731.05 Powers of Legislative.
 - 3) Public Hearing notifications are not exempted from this ordinance as it relates to notification with Council approval, which violates Section 1115.06 of the PC-ABR rules and 1117.04 of the BZA rules. The impact that this ordinance would have on these provisions would be ill advised.

I have concerns that this Ordinance was never placed into a committee for discussion. Who is Council’s Communications Expert who approved this?

I hereby veto Ordinance 2018-8 and ask Council’s immediate reconsideration in this poorly written piece of legislation.